



SPONSOR: Rep. Mitchell

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
SENATE BILL NO. 32

Section 1. Amend Chapter 21, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2124. Recordation of mortgagee's change of address.

(a) Any mortgagee or any assignee of a mortgage under § 2109 of this title that changes its notice address from the address stated in any mortgage or assignment of mortgage ~~may~~ must file in the recorder of deeds office in the county in which the mortgage or any assignment has been recorded a Statement of Mortgagee Address Change. The filing of a Statement of Mortgagee Address Change is public notice to all parties interested in such mortgage or assignment of mortgage, or the property upon which it is a lien, of the address where the legal holder of such mortgage or assignment of mortgage ~~may~~ must receive any notice. Until such time as a Statement of Mortgagee Address Change has been filed, any party having an interest in such mortgage or assignment of mortgage, or the property upon which it is a lien, is fully protected by sending all notices to the legal holder of such mortgage or assignment of mortgage at the notice address provided in the mortgage or the last assignment of record.

(b) The following is a sufficient form of Statement of Mortgagee Address Change:

To: Recorder of Deed This instrument prepared by:

..... County Name:

State of Delaware Address:

Tax Parcel Identification Number(s):

Name of Mortgagor(s)

Name of Mortgagee(s)

Property Address(es):

Recording Information

Let it be known that, the record holder of the mortgage(s) recorded at the Instrument

Number(s) listed above or in an exhibit attached to this Statement of Mortgage Address Change has changed its notice address, such address is (City) (State) (Zip Code).

INDIVIDUAL SIGNATURE AND ACKNOWLEDGEMENT

IN WITNESS WHEREOF, Mortgagee(s), [Assignee(s)] has(ve) hereunto set its/their hand(s) and seal(s) this day of

..... (Seal)

WITNESS MORTGAGEE

State of

County of

This instrument was acknowledged before me on (date) by (Name(s) of person(s)).

.....
(Signature of notarial officer)

(Seal, if any)

.....
(Title and rank)

My commission expires

SIGNATURE AND ACKNOWLEDGEMENT IN A REPRESENTATIVE CAPACITY

IN WITNESS WHEREOF, Mortgagee [Assignee] has hereunto set its hand and seal this day of

.....
MORTGAGEE [ASSIGNEE] NAME

BY: (SEAL)

WITNESS

ATTEST: (SEAL)

State of

County of

This Instrument was acknowledged before me on (date), by [name(s) of person(s)] as [type of authority, e.g., officer, trustee, etc.] of [name of party on behalf of whom instrument was executed].

.....
(Signature of notarial officer)

(Seal, if any)

.....
(Title and rank)

44 My commission expires

45 Section 2. Amend § 2111, Title 25 of the Delaware Code by making deletions as shown by strike through and
46 insertions as shown by underline as follows:

47 § 2111 Satisfaction of mortgages; penalty; enforcement in Superior Court.

48 (c) Each recorder shall either create and maintain a separate index and record of the recording of documents which
49 are authorized to be recorded by this chapter including, ~~but not limited to,~~ powers of attorney to satisfy mortgages,
50 satisfaction pieces, partial and complete releases of mortgages and security interests, and Statements of Mortgagee Change
51 of Address, or index the same in the index used for recorded mortgages. If the recorder creates a separate index, it may be
52 called the Release and Satisfaction Index, which shall reference the mortgagor, mortgagee, ~~record book~~ record book, and
53 page of the mortgage being released or satisfied and the address or lot number, if any, of the property being released or
54 satisfied. If the recorder creates a separate index for Statements of Mortgagee Change of Address, it may be called the
55 Statement of Mortgagee Change of Address Index, which must reference the mortgagor, mortgagee, record book, and page
56 of the mortgage for which the mortgagee has changed its address, and the mortgagee's notice address as provided in the
57 Statement of Mortgagee Change of Address. The recorder may also maintain a separate record of said instruments and shall
58 not be required to maintain other than a micrographic or electronic record of said instruments.

SYNOPSIS

This Amendment makes the filing in the recorder of deeds office a requirement by changing "may" to "must."